

### **Remarks and Arguments**

1. The claims remain as submitted on June 26, 2007.
2. In the Office Action of September 11, 2007 **all** claim rejections are based on Section 103 and are based on the **Peck** patent which is **newly cited** and not previously known to the Applicant.
3. Attached to this Response are 2 documents, each with attached Exhibits:
  - (a) a **Declaration from the Inventor** dated October 30, 2007 stating that the Invention as described in the current claims (Exhibit A, attached) was completed both by conception and reduction to practice by building and testing by the Inventor in the United Kingdom at least as early as **November 24, 2000**. Exhibit B, also attached, documents the dates when each aspect of the Invention in each claim of the application was invented. Exhibit C to Mr. Barraclough's Declaration sets out further details of the Invention timeline and explains the dates and contents of some of the emails attached to Mr. Leach's Declaration as his Exhibit B.
  - (b) a **Declaration from a customer** of the Assignee, David **Leach**, dated October 31, 2007, stating that he used the Invention at least as early as **March 8, 2001**. He states that the Invention he used had all the features in the present claims of the application (attached as Exhibit A). As documentation for his statement about dates, Exhibit B is

attached to his Declaration. Exhibit B shows in email dates that Mr. Leach used the Invention at least as early as March 8, 2001.

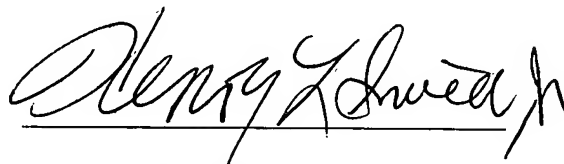
4. Therefore, the **Peck patent is removed as a reference** because its filing date was **October 29, 2001**, and parts of it may have claimed priority back to provisionals filed on **August 14 and August 17, 2001**. Peck is removed as a reference because all of these dates are antedated by the dates demonstrated in 3(a) and 3(b) above.

5. Because of the above documentation, the rejection of the claims, all of which rejections depend on Peck, should be withdrawn.

### **Conclusion**

Because of the above discussion and arguments, Applicant respectfully submits that the Application, with claims as currently amended, is now in condition for allowance, and that action is urgently requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Henry L. Smith, Jr.", written over a horizontal line.

Henry L. Smith, Jr.

Reg. # 31,425

NOV. 15, 2007, 2007

9273 Cornell Circle

Highlands Ranch, CO 80130-4141

Telephone (303) 346-5045

Fax (303) 346-5045